

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Active Recycling Material Recovery Facility & Transfer Station
SWIS No. 19-AR-1250
October 6, 2017

Background Information, Analysis, and Findings:

This report was developed in response to the City of Los Angeles Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Active Recycling Material Recovery Facility & Transfer Station, SWIS No. 19-AR-1250, located in the City of Los Angeles and owned by Marilyn D. Segal Tr. and operated by Active Recycling Company, Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on September 19, 2017. Action must be taken on this permit no later than November 18, 2017. If no action is taken by November 18, 2017, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes:

The following changes to the first page of the permit are being proposed:

	Current Permit (2014)	Proposed Permit
Name and Mailing Address of Owner	Active Recycling Company, Inc. 2000 W. Slauson Avenue Los Angeles, California 90047	Marilyn D. Segal Tr. 3731 Terrace View Dr. Encino, California 91436
Permitted Hours of Operation	Material Acceptance: 6:00 am to 4:45 pm, Monday – Sunday Material Processing/Refuse Transfer: 6:00 am to 5:30 pm, Monday - Sunday	Material Acceptance/Processing: 5:30 am to 7:30 pm, Monday – Sunday Maintenance Operations: 24 hours a day, 7 days a week
Permitted Tons Per Operating Day	250 tons/day	800* Tons/Day *Please see condition 17 g for restrictions on maximum daily tonnage
Permitted Area	0.56 acres	0.88 acres
Design Capacity	500 tons per day (t/d)	1,000 TPD

Other changes include edits to the following sections of the SWFP: “Findings,” documents that describe and/or restrict the operation and “LEA Conditions” including rewording, additions and/or deletions for the purpose of updating and/or clarifying.

Key Issues:

The proposed permit will allow for the following:

1. Increase the permitted tons per day (tpd) from 250 tpd of non-hazardous solid wastes, including recyclable materials to 500 tpd of municipal solid waste/construction & demolition and inert debris/greenwaste;
2. Include the existing metal recycling operation in the permitted area to accept up to 300 tpd of scrap metal;
3. Increase design capacity from 500 tpd to 1,000 tpd;
4. Increase operating hours from 6:00 am to 5:30 pm Monday through Sunday to 5:30 am to 7:30 pm Monday through Sunday and include maintenance hours of 24 hours a day, 7 days a week; and
5. Increase permitted are from 0.56 to 0.88 acres.

Background:

The facility has been operating as a large volume transfer/processing facility since July 2014. Prior to July 2014, the facility operated as a medium volume transfer/processing station under a Registration Permit. The permitted activities occur on the southern portion of the property. North of the permitted area is an existing recycling center that accepts source separated recyclables and are not part of the activities covered by this revised SWFP.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff’s findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated September 19, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report is not required since a new full SWFP was first issued on July 28, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on September 19, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on September 19, 2017, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their memorandum dated October 6, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permits and Assistance (PAB) South Unit staff found that the facility was in compliance with all operating and design requirements during an inspection conducted on August 30, 2017. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on September 19, 2017, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on August 29, 2017. Nine members of the public were in attendance. Oral comments were received and addressed by LEA staff or operator. Written comments in support of the project were also received by the LEA. Department staff has not received any oral or written comments. See Public Comments below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

PAB staff conducted a pre-permit inspection on August 30, 2017 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the transfer station's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2017 (March - April) - One violation of PRC 44014(b) – Operator Complies with Terms & Conditions.
- 2017 (February) – One violation of 14 CCR Section 17418.3 – Traffic Control; One violation of 14 CCR Section 17416.3 – Equipment; and One Violation of PRC 44002 – Operator Authorized by SWF Permit.
- 2016 – 2012 - No Violations were noted.

All violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Los Angeles, Department of Building and Safety, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

- Increase the permitted tons per day (tpd) from 250 tpd of non-hazardous solid wastes, including recyclable materials to 500 tpd of municipal solid waste/construction & demolition and inert debris/greenwaste;
- Include the existing metal recycling operation in the permitted area to accept up to 300 tpd of scrap metal;
- Increase design capacity from 500 tpd to 1,000 tpd;
- Increase operating hours from 6:00 am to 5:30 pm Monday through Sunday to 5:30 am to 7:30 pm Monday through Sunday and include maintenance hours of 24 hours a day, 7 days a week; and
- Increase permitted are from 0.56 to 0.88 acres.

These changes are supported by the following environmental document.

An Initial Study/Mitigated Negative Declaration (MND), State Clearinghouse No. 2013111058, was circulated for a 30 day comment period from October 28, 2016 to November 28, 2016. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was adopted by the Lead Agency on May 30, 2017.

The City of Los Angeles Local Enforcement Agency (LEA) has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND is adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on August 29, 2017, at 2700 West 52nd Street, in the City of Los Angeles. Nine members of the public attended. Oral comments received from the public with responses from the LEA or operator are summarized below.

Public Meeting Oral Comments

Comment: A few people complained about dust coming from the facility, especially at night. The cars were found to have a black dust. There are several potential sources of the dust in the area, such as the transfer station, the street maintenance yard, the construction project and the misting system on the fence.

Response: The LEA agreed to conduct further investigation into the dust issue and make appropriate referrals to South Coast Air Quality Management District as needed.

Comment: A few individuals complained about equipment noise in the early morning hours. The LEA explained that the SWFP only covers the transfer station operation and that noise coming from the recycling center or the adjacent street maintenance yard are not under their jurisdiction.

Response: The LEA will have a condition in the permit that restricts transfer station activities to the permitted hours evaluated in the adopted Mitigated Negative Declaration.

Comment: A few individuals complained about light from the facility can be seen at their homes in the early morning hours.

Response: The LEA will work with the facility operator to determine if the installation of light shields on the elevated lights will help in mitigating the issue.

Comment: There was some discussion on illegal dumping in the neighborhood.

Response: The operator explained their desire to be good neighbors and how they have implemented a free dumping program for residents up to 500 pounds to help prevent illegal dumping.

Several individuals, including members of the Neighborhood Council and a former City Council member, voiced their support of the project and their illegal dumping program. Several letters of support were submitted during the meeting.

The LEA also received a few emails prior to the information meeting regarding concerns similar to the comments noted above. The LEA provided similar email responses to the commenters.

No written comments were received by the Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on September 19, 2017. No comments have been received by Department staff.